

DEMAT Maternity Leave Policy and Procedure

In the development of this policy consideration has been given to Equality and Diversity and Data Protection.

Equality and Diversity

The Diocese of Ely Multi Academy Trust (DEMAT) is committed to promoting equality of opportunity for all staff. We aim to create a supportive and inclusive working environment in which all individuals can make best use of their skills, free from discrimination or harassment, and in which all decisions are based on merit.

The principles of non-discrimination and equality of opportunity also apply to the way in which DEMAT staff, Trustees, Directors and Governors treat visitors, volunteers, contractors.

Data Protection

DEMAT will process personal data of staff (which may be held on paper, electronically, or otherwise). DEMAT recognises the need to treat it in an appropriate and lawful manner, in accordance with the General Data Protection Regulations (GDPR).

	Version	Date
Date approved by the DEMAT Personnel Committee	1	May 2019
Date on which the DEMAT consulted with unions (if applicable)	1	May 2019
Effective date of policy being fully adopted by DEMAT	1	May 2019
Policy to be reviewed annually from date last approved by DEMAT Personnel Committee	1	January 2021

For all questions in relation to this policy please contact the DEMAT HR Team on 01353 656760 or email: hrteam@demat.org.uk

1. Introduction

This policy outlines the entitlements and application for leave arrangements for employees wishing to take Maternity Leave within DEMAT.

- 1.1. The status of an employee's contract of employment during a period of maternity leave is treated as if they are temporarily absent from work.
- 1.2. During maternity leave, all contractual benefits, except pay, continue unaffected and annual leave entitlements will accrue as normal.
- 1.3. A summary of entitlements along with the qualifying requirements are given in Tables 1 and 2 below.
- 1.4. Support staff includes those employed within the shared services team as well as school based.
- 1.5. The Maternity (Compulsory Leave) Regulations 1994 provide that all employees must take a minimum of 2 weeks' maternity leave immediately after the birth.
- 1.6. If the employee chooses to return before the end of the 52 weeks maternity leave period, she is required to give written notice of her intention to return, to her Line Manager. Teachers are required to give a minimum of 21 days' notice and support staff, 8 weeks' notice.
- 1.7. If the required notice is not given, a Manager can choose to postpone the return to work to ensure the minimum notice period is given but it will not exceed the end of the 52-week maternity period. Where no early or prior notice is given, the employee will be expected to return to work at the end of the 52-week period.

2. Entitlement to maternity leave and pay for all categories of staff, with less than 26 weeks service as at the 15th week before the EWC

- 2.1. All employees are entitled to take up to one-year (52 weeks) maternity leave from day one of employment. The 52 weeks leave consists of 26 weeks Ordinary Maternity Leave (OML) followed continuously by 26 weeks Additional Maternity Leave (AML).
- 2.2. There is a requirement to give the employer at least 28 days' notice of the date on which the absence will begin.
- 2.3. If the employee wishes to resign her employment the normal contractual notice period applies. In all cases Schools are advised to request notification as early as possible although the statutory requirement is for the employee to notify the employer of the intention to take maternity leave by 15 weeks before the EWC. The employer is required to respond to the request within 28 days of the request being made.
- 2.4. A summary of the entitlements and obligations to maternity leave and pay for staff in Schools is set out in Tables 1 and 2.

3. Entitlement to maternity leave and pay for all categories of staff with more than 26 weeks service as at the 15th week before the EWC but less than 1 years' service as at the 11th week before the EWC

3.1. In addition to the maternity entitlement for employees set out above, for those with more than 26 weeks service as at 15 weeks before the EWC there is a possible entitlement to be paid Statutory Maternity Pay (SMP), depending on the employee meeting certain conditions.

3.2. To qualify for SMP the following conditions must be met:

- The employee must have been continuously employed by her current employer for at least 26 weeks by the beginning of the 15th week before the expected week of childbirth. This 15th week is called the qualifying week.
- The employee must have average weekly earnings in the calculation period (which is the 8 weeks or 2 months before the end of the qualifying week) at or above the lower earnings limit for payment of National Insurance contributions. The lower earnings limit is reviewed in the April of each year.
- The employee must still be pregnant at the 11th week before the expected week of childbirth or have had the baby by that time.

3.3 A summary of the entitlements and obligations to maternity leave and pay for all categories of staff with more than 26 weeks service as a the 15th week before the EWC but less than 1 years' service as a the 11th week before the EWC is set out in table 2.

4. Entitlement to maternity leave and pay for all categories of staff with more than one year's service as at the 11th week before the EWC

4.1. For those employees with more than one year's service as at the 11th week before the EWC, in addition to the above maternity leave and pay entitlements there is an entitlement to receive contractual maternity pay in line with the conditions of service for either teaching staff or support staff.

4.2. A summary of the entitlements and obligations to maternity leave and pay for all categories of staff with more than one year's service as at the 11th week before the EWC is set out in table 3.

5. Miscellaneous Provisions

5.1. Ante-natal care

A pregnant employee has a right to reasonable paid time off to attend ante-natal care appointments. She should produce evidence of appointments if requested to do so.

Ante-natal care includes medical appointments as well as relaxation and parenting classes that the employee's doctor, midwife or health visitor has advised her to attend. The employee should endeavour to give their employer as much notice as possible of their intention to attend such appointments/sessions and wherever possible, they should be arranged to be as near to the start/end of the working day as possible.

Employees and agency workers who have a qualifying relationship with a pregnant woman

or an expected child, are entitled to take unpaid time off work to accompany that pregnant woman to up to two ante-natal appointments.

The 'qualifying relationship' criteria are as follows:

- The employee is the husband or civil partner of the pregnant woman;
- The employee lives with the pregnant woman in a family relationship but is not her parent, grandparent, sister, brother, aunt or uncle;
- The employee is the father of the expectant child;
- The employee is an intended parent in a surrogacy situation.

Evidence of the ante-natal appointment should be provided by the employee and they should also clarify the nature of their relationship to the pregnant woman and/or child. Information will be dealt with sensitively and in confidence.

5.2. Premature Birth

Where a baby is born prematurely, the employee should ensure their Line Manager is informed. Discretion should be used as to whether it is appropriate to extend the maternity leave period or take any other special action as necessary.

If a baby is born early but after the employee has already started her maternity leave, it will have no impact on the maternity pay entitlement.

5.3. Death of a Baby and Still Birth

If the employee suffers a miscarriage or her baby is stillborn earlier than 24 weeks of pregnancy, there is no entitlement to maternity leave or SMP however other leave such as sick leave or discretionary leave can be considered, depending on the circumstances and the needs of the employee. Where appropriate, medical advice should be sought.

If the baby survives birth but subsequently dies, the mother will be entitled to SMP if they qualify for it.

If the employee suffers a miscarriage or the baby is stillborn from the beginning of the 25th week of pregnancy, she is entitled to the same leave and SMP she would have received had the baby been born alive.

5.4. Dismissal Protection

The law protects an employee against dismissal when she is pregnant or during maternity leave regardless of hours worked or length of service. Only when a dismissal would have occurred, regardless of the fact that the employee is pregnant or on maternity leave, would a dismissal not be automatically unfair.

5.5. Keeping in Touch (KIT) days

Employees may, by agreement with their employer, do up to ten days' work – known as KIT days - under their contract of employment during the maternity leave period. Such days are different to the reasonable contact that employers and employees may make with one another, as during KIT days employees can carry out work for the employer, for which they may be paid.

KIT days cannot take place within the 2-week period immediately after the birth of the child.

Any work done on any day during the maternity pay or maternity leave period will count as one whole KIT day, up to the 10-day maximum. In other words, if an employee comes in for a one-hour training session and does no other work that day, she will have used one of her KIT days.

The type of work that the employee undertakes on KIT days is a matter for agreement between the two parties. They may be used for any activity which would ordinarily be classed as work under the woman's contract.

Any arrangements confirming KIT days or activities to be carried out, should be confirmed in writing by the employee's Line Manager (or other delegated manager).

Where possible, prior to an employee commencing maternity leave, a discussion should be had to agree arrangements for KIT days as well as keeping in touch with general updates/developments within the workplace. A designated contact should be established who will send emails/make contact in accordance with what is agreed.

6. Health and Safety

6.1. Pregnant employees must be given specific health and safety protection under UK Health and Safety Legislation. The main provisions are set out below.

6.2. Risk Assessment

Employers must assess all workplaces for risks to the health and safety of their employees and others affected by their work activities. They must consider if there are specific or enhanced risks for new and expectant mothers who are defined as 'an employee who is pregnant, who has given birth or miscarried within the previous six months, or who is breast feeding'. Such risks would include exposure to certain harmful substances or microbial agents/infectious diseases; extremes of heat and cold; noise; movement and posture; lifting/handling loads; and potential exposure to violence (including verbal abuse).

6.3. Where an unacceptable risk is identified the employer must take any protective or preventative measures required by other health and safety legislation to remove it. See <http://www.hse.gov.uk/risk/resources.htm> for risk assessment form templates. Where this would not prevent the employee from being at risk, a hierarchy of measures should be followed:

- If it is reasonable to do so, working conditions or hours of work should be altered to avoid (or minimise) the risk;
- If this is not possible, or the risk cannot be avoided by this, the employee should be offered suitable alternative employment on existing, or not substantially less favourable, terms and conditions;
- If no suitable alternative work is available, the employee should be given leave of absence with full pay. If the employee refuses an offer of suitable alternative work, the leave may reasonably be unpaid.

6.4. Period of Protection

These provisions apply from the time the School receives written notification that the employee is pregnant until 6 months after the date of childbirth, or until the employee stops breast feeding if she continues to do so beyond this six-month period. The paid leave of absence provisions will not apply during the maternity leave period. The employee will receive whatever maternity pay she is entitled to as normal.

7. The Administration of Maternity Leave

- 7.1. When the employee notifies her line manager that she is pregnant she should be given the appropriate maternity leave application form and guidance notes.
- 7.2. The line manager is advised to make it clear that it is the responsibility of the employee to notify the employer, no later than the 15th week before the expected week of childbirth, of the intended date maternity leave is to commence. Should the employee decide she intends to commence maternity leave at an earlier date, she is required to give a minimum of 28 days' notice of the revised date.
- 7.3. When the line manager has received formal confirmation of a school-based employee's intention to take maternity leave, the completed maternity application form should be forwarded to the HR Adviser at EPM immediately to enable a response to be sent to the employee within, the statutory required, 28 days.
- 7.4. Where the employee is based within the shared services team, the application form should be forwarded to the HR Co-ordinator for processing and liaising with EPM.
- 7.5. EPM will provide a schedule of maternity leave pay for the employee.
- 7.6. When the line manager has been informed of the above, the individual responsible for notifying EPM shall do so without delay via the portal, in order that any maternity cover arrangements may be reviewed/terminated and the employee's full pay re-commenced as appropriate.

Table 1

Entitlements				Obligations		
Category of Staff	Period of Continuous Service	Length of Maternity Leave	Pay	Period of Notice by Employee of Intention to Commence Leave	Period of Notice by Employee to Employer of Date Maternity Absence Begins	Period of Notice by Employee to Employer of Intention to Return to Work
Support	Less than 26 weeks service as at 15 weeks before EWC.	Up to 52 weeks.	No contractual or statutory maternity pay. Form SMP1 to be provided by payroll provider to apply for statutory maternity allowance.	By 15 th week before EWC if not earlier.	28 days.	None unless returning before 52 weeks, then 4 weeks.
Teachers	Less than 26 weeks service as at 15 weeks before EWC.	Up to 52 weeks.	No contractual or statutory maternity pay. Form SMP1 to be provided by payroll provider to apply for statutory maternity allowance.	By 15 th week before EWC if not earlier.	28 days.	None unless returning before 52 weeks, then 4 weeks.

EWC: Expected Week of Childbirth

SMP: Statutory Maternity Pay

All Statutory Payments subject to National Insurance Contributions

All half pay payments are conditional on a return to work

Table 2

Entitlements				Obligations		
Category of Staff	Period of Continuous Service	Length of Maternity Leave	Pay	Period of Notice by Employee of Intention to Commence Leave	Period of Notice by Employee to Employer of Date Maternity Absence Begins	Period of Notice by Employee to Employer of Intention to Return to Work
Support	More than 26 weeks service as at the 15 th week but less than 1 years' service as at the 11 th week before EWC.	Up to 52 weeks.	No entitlement to contractual maternity pay. May have entitlement to SMP based on certain conditions (see 3.2 above).	By 15 th week before EWC if not earlier.	28 days.	None unless returning before 52 weeks, then 4 weeks.
Teachers	More than 26 weeks service as at the 15 th week but less than 1 years' service as at the 11 th week before EWC.	Up to 52 weeks.	No entitlement to contractual maternity pay. May have entitlement to SMP based on certain conditions (see 3.2 above).	By 15 th week before EWC if not earlier.	28 days.	None unless returning before 52 weeks, then 4 weeks.

Table 3

Entitlements				Obligations		
Category of Staff	Period of Continuous Service	Length of Maternity Leave	Pay	Period of Notice by Employee of Intention to Commence Leave	Period of Notice by Employee to Employer of Date Maternity Absence Begins	Period of Notice by Employee to Employer of Intention to Return to Work
Support	1 year as at 11 weeks before EWC.	A total of up to 52 weeks leave; of which up to 11 weeks may be taken before EWC.	6 weeks at 90% of average earnings, followed by 12 weeks half pay & lower rate SMP followed by 21 weeks lower rate SMP only. Remainder unpaid.	By 15th week before EWC if not earlier.	28 days.	None unless returning before 52 weeks, then a minimum of 4 weeks.
Teachers	1 year as at 11 weeks before EWC.	A total of up to 52 weeks leave; of which up to 11 weeks may be taken before EWC.	4 weeks at full pay, 2 weeks at 90% of average earnings, followed by 12 weeks half pay & lower rate SMP followed by 21 weeks lower rate SMP only. Remainder unpaid.	By 15th week before EWC if not earlier.	28 days.	None unless returning before 52 weeks, then a minimum of 4 weeks.

Application for Maternity Leave and Pay

Please read the maternity leave policy then complete and return the form below to your Line Manager, during or before the 15th week before your expected week of childbirth.

Name: _____

Payroll Number: _____

Home Address: _____

Place of Work: _____

Maternity Options: Please circle one option below (Refer to table overleaf)

Options **A** **C** **D** **F** **G**

My first date of Maternity Leave is: _____

I understand this date can be altered and I must give at least 28 days notice of the revised date maternity leave is to commence.

Options **B** **E** **H**

I do not intend to return to work and thereby wish to formally terminate my contract of employment effective from:
Please tick

Date: _____

The end of my maternity pay period.

To be completed by all staff:

I have read and understand the maternity policy, which I have retained.

Signed: _____ Date: _____

Expected Week of Childbirth (EWC): _____

The MATB1 certificate is available from my midwife from the 20th week of pregnancy onwards (*please tick*)

I enclose my MATB1 certificate with this form.

I will forward my MATB1 certificate to the school as soon as possible and understand the I will not receive any maternity pay until I provide this.

Keeping in Touch (KIT) Days

You are entitled to KIT days with the workplace for up to a maximum of 10 days during your maternity leave without affecting your entitlement to statutory or contractual maternity pay. The exact arrangements for KIT days must be discussed with your line manager.

I wish to discuss with my Line Manager arrangements for KIT days.

I do not wish to discuss arrangements for KIT days later but reserve the right to discuss this with my Line Manager, at a later date during my maternity leave.

Completed form received by Line Manager:

I confirm that an assessment to identify hazards that could be a risk to a new, expectant, or breastfeeding mothers has been or will be undertaken and I have discussed KIT days with the employee if requested.

Signed: _____ Date: _____

Support Staff Maternity Entitlements

What service do I have?	What options are	How much maternity leave an I	What maternity pay am I entitled to?
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	available to me?	entitled to?	
Less than 26 weeks service, irrespective of hours worked, as at the 15 th week before the expected week of childbirth (EWC).	A I would like to return to work.	Up to 52 week's absence in total including up to 11 weeks before the expected week of childbirth.	SMP 1 from payroll and apply to the Benefits Agency for Statutory Maternity Allowance.
	B I would like to resign.	Not applicable.	As above.
26 weeks or more, irrespective of hours worked, as at the 15 th week before the expected week of childbirth and less than 1 years' service as at the 11 th week before the expected week of childbirth (EWC).	C I would like to return to work.	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth.	Depending on salary and average earnings: 6 weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	D I would like to keep my options open as I may choose to resign or to return to work.	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth.	Depending on salary and average earnings: 6 weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	E I would like to resign.	Not applicable.	Depending on salary and average earnings: 6 weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP.
At least 1 year's continuous service, irrespective of hours worked, as at the 11 th week before the expected week of childbirth (EWC).	F I would like to return to work.	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth.	6 weeks at 90% of contractual full pay followed by 12 weeks half pay. You must return to work for a minimum of 13 weeks otherwise the 12 weeks half pay must be repaid. Plus, depending on salary and average earnings: 33 weeks lower rate SMP to be paid alongside the 12 weeks at half pay.
	G I would like to keep my options open as I may choose to resign or to return to work.	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth.	Depending on salary and average earnings: 6 weeks' pay at 90% of full pay followed by 33 weeks lower rate SMP and the remainder unpaid. 12 weeks at half pay will only be paid if you return to work for a minimum of 13 weeks.
	H I would like to resign.	Not applicable.	Depending on salary and average earnings: 6 weeks at 90% of full pay followed by 33 weeks lower rate SMP.

Teaching Staff Maternity Entitlements

What service do I have?	What options are available to me?	How much maternity leave am I entitled to?	What maternity pay am I entitled to?
Less than 26 weeks service, irrespective of hours worked, as at the 15 th week before the expected week of childbirth (EWC).	A I would like to return to work.	Up to 52 week's absence in total including up to 11 weeks before the expected week of childbirth.	SMP 1 from payroll and apply to the Benefits Agency for Statutory Maternity Allowance.
	B I would like to resign.	Not applicable.	As above.
26 weeks or more, irrespective of hours worked, as at the 15 th week before the expected week of childbirth and less than 1 years' service as at the 11 th week before the expected week of childbirth (EWC).	C I would like to return to work.	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth.	Depending on salary and average earnings: 6 weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	D I would like to keep my options open as I may choose to resign or to return to work.	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth.	Depending on salary and average earnings: 6 weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP and the remainder unpaid.
	E I would like to resign.	Not applicable.	Depending on salary and average earnings: 6 weeks higher rate SMP at 90% of average earnings followed by 33 weeks lower rate SMP.
At least 1 year's continuous service, irrespective of hours worked, as at the 11 th week before the expected week of childbirth (EWC).	F I would like to return to work.	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth.	4 weeks at full pay followed and 2 weeks at 90% of full pay, followed by 12 weeks' half pay. You must return to work for a minimum of 13 weeks otherwise the 12 weeks half pay must be repaid. Plus, depending on salary and average earnings: 33 weeks lower rate SMP to be paid alongside the 12 weeks at half pay.
	G I would like to keep my options open as I may choose to resign or to return to work.	Up to 52 weeks absence in total including up to 11 weeks before the expected week of childbirth.	4 weeks at full pay followed and 2 weeks at 90% of full pay. Plus, depending on salary and average earnings: 33 weeks lower rate SMP and the remainder unpaid. 12 weeks at half pay will only be paid if you return to work for a minimum of 13 weeks.
	H I would like to resign.	Not applicable.	4 weeks at full pay followed and 2 weeks at 90% of full pay. Depending on salary and average earnings: 33 weeks lower rate SMP.

SMP – Service for SMP is continuous service with current employer only and is only payable if employed during the 8-week period 15 weeks before the expected week of childbirth, subject to the qualifying period.

New and Expectant Mothers (relevant for Employees, Volunteers, Agency / Relief Workers)

Initial Risk Assessment Form

Employee:	Date:
Job title:	Area of work:
Date baby due / born:	Date first advised of pregnancy/ birth / breastfeeding:
Name of assessor (usually Line Manager):	Date of next assessment review: (within 4 – 6 weeks) Reviews may need to be more frequent depending upon the individual and as size increases. (the review process must continue for as long as the mother is breastfeeding)
People at risk: New or expectant worker, unborn child.	Copies to: Employee with a copy held on their personal file.

Risks and precautions	Indicate if there is a risk and how this will be controlled
<p>Medical concerns: Are any medical concerns relevant to their employment, to ensure adequate precautions are taken, ask employee to discuss this with their GP and advise us in writing of any medical concerns.</p>	
<p>Night work: This does not in itself present any special risks to new and expectant mothers, but in some circumstances a doctor or midwife may consider it so, on production of a certificate alternative daytime work should be offered (or suspension on paid leave).</p>	
<p>Manual Handling (Moving and handling people or inanimate object) or restraint techniques: There are increased risks due to hormonal changes of postural problems when pregnant or limitation of ability if the employee has had a caesarean section. Ensure only light duties are undertaken, not requiring excessive pressure.</p>	
<p>Heat stress / dehydration / fatigue from extremes of hot or cold (i.e. work in kitchens, cold room etc): Ensure access to refreshments and regular short breaks.</p>	
<p>Prolonged standing or work involving much physical effort: Ensure employee is able to take short breaks and seating is available where possible.</p>	

<p>Limited or restricted space: Ensure sufficient space and understanding of issues arises from increasing size and reduced mobility / dexterity / agility.</p>	
<p>Computer screens: There are no known health issues in working with computer screens, however a DSE assessment should be undertaken / reviewed to ensure their posture and positioning is suitable.</p>	
<p>Regular breaks: Toilet facilities need to be available and more frequent breaks will be required.</p>	
<p>Raised blood pressure associated with stress: Discuss and agree workload and pace of work, hours of work.</p>	
<p>Excessive working hours: Working hours should be assessed and issues discussed and agreed with employee.</p>	
<p>Morning sickness: This can arise from early shift work, or from nauseating smells, ensure flexible working / flexible work rota, and flexible work allocation.</p>	
<p>Slips, trips and falls: Poor balance in later stages can increase risks from slippery surfaces, ensure these are cleaned immediately and ensure footwear is appropriate.</p>	
<p>Noise: Noisy environments can be stressful and regular breaks away from the situation should be enabled.</p>	
<p>Vibration: Using machinery or riding / driving in 'off road' vehicles likely to cause shock or vibration must be avoided during pregnancy.</p>	
<p>Challenging behaviour: If the employee encounters people who are likely to display challenging behaviour or violence, she should be excluded from these situations or work found elsewhere. It may be necessary to put employee on paid leave.</p>	
<p>COSHH (Chemical risks): Ensure all chemicals used have adequate assessment and follow the safe system of use, which will indicate if any specific risks to new or expectant mothers. Eliminate person from hazard or hazard from person. (i.e. Toxic Chemicals – mercury, Antimitotic (cytotoxic) drugs, pesticides, carbon monoxide, lead)</p>	
<p>Passive Smoking / Vaping: If the work involves contact with cigarette or vaping fumes, the risk must be assessed and the risk eliminated where possible.</p>	
<p>Personal Protective Equipment:</p>	

<p>Any personal protective equipment must be suitable (comfort and fit) for the increasing size of the employee. Any work for which PPE has been indicated should not be undertaken if adequate PPE is not available or comfortable for their condition.</p>	
<p>First aid duties: Due to the risk of having to undertake duties which may put undue physical pressure on a new or expectant mother, these duties should not be undertaken.</p>	
<p>Other risks not mentioned above: It is the responsibility of the Line Manager to assess the risks in the workplace and if risks are present other than those mentioned above, seek advice from the Trust Health & Safety Officer or HR as appropriate.</p>	
<p>Employee signature:</p>	<p>Date:</p>
<p>Line Manager signature:</p>	<p>Date:</p>